

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*Cleveland Bakers and Teamsters Health
and Welfare Fund, et al. v. Purdue Pharma
L.P., et al., Case No. 1:18-op-45432-DAP*

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**[PROPOSED] ORDER GRANTING DISTRIBUTORS' MOTION TO CERTIFY
UNDER 28 U.S.C. § 1292(b) THE COURT'S FEBRUARY 21, 2020 ORDER DENYING
IN PART THEIR MOTION TO DISMISS THIRD-PARTY PAYOR CLAIMS,
FOR PURPOSES OF SEEKING IMMEDIATE APPEAL OF THE
COURT'S RULINGS THAT DENIED DISMISSAL OF THE RICO CLAIMS**

This matter having come before the Court upon motion by Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (“Distributors”) to certify under 28 U.S.C. § 1292(b) the Court’s February 21, 2020 Opinion and Order, Dkt. 3177 (“Order”) denying in part their motion to dismiss claims asserted by Cleveland Bakers and Teamsters Health and Welfare Fund and Pipe Fitters Local Union No. 120 Insurance Fund (collectively, the “Third-Party Payors”), for purposes of an immediate appeal of the Court’s rulings that denied dismissal of the RICO claims; the Court having reviewed the motion, and related papers; due and proper notice having been provided; and, after due deliberation, the Court finds that Distributors’ motion should be GRANTED.

The Court hereby incorporates by reference herein the Order and AMENDS the Order to include this Court’s determination that the Order involves controlling questions of law as to which there is substantial ground for difference of opinion, namely (1) whether the Third-Party Payors’ allegations meet RICO’s direct injury and proximate causation requirement, and (2) whether the

Third-Party Payors' allegations satisfy RICO's requirement of injury to "business or property"; and that immediate appeal on those issues may materially advance the ultimate termination of the litigation.

SO ORDERED this _____ day of _____, 2020.

**HON. DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE**